



The State of Utah  
Department of  
Natural Resources  
Division of  
Gas & Mining

1594 West North Temple, Suite 1210  
PO Box 145801  
Salt Lake City, UT 84114-5801

**CERTIFIED MAIL**



7099 3400 0016 8896 0358



RETURN SERVICE REQUESTED



REASON CHECKED  
Unclaimed ☒ Refused \_\_\_\_\_  
Attempted Not known \_\_\_\_\_  
Insufficient Address \_\_\_\_\_  
No such street \_\_\_\_\_ number \_\_\_\_\_  
No such office in state \_\_\_\_\_  
Do not remail in this envelope

STEVE POWELL  
PO BOX 253  
CASTLE DALE UT 84513

6-1-04  
6-T  
RECEIVED 6-17

JUN 28 2004

DIV OF OIL GAS & MINING



7-2-04

Reached Mr Powell  
at his home. He  
assured me he had  
seen this letter.  
and said they were  
moving forward on  
this. J.D.

PLACE STICKER AT TOP OF ENVELOPE  
TO THE RIGHT OF RETURN ADDRESS.  
FOLD AT DOTTED LINE

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

STEVE POWELL  
PO BOX 253  
CASTLE DALE UT 84513

JB DOGM M/049/021 5/28/04

2. Article Number

(Transfer from service label)

7099 3400 0016 8896 0358

PS Form 3811, August 2001

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☒ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Domestic Return Receipt

102595-02-M-1540

# U.S. Postal Service

## CERTIFIED MAIL RECEIPT

*(Domestic Mail Only; No Insurance Coverage Provided)*

JB DOGM M/049/021 5/28/04

Postage

\$

Certified Fee

Return Receipt Fee  
(Endorsement Required)

Restricted Delivery Fee  
(Endorsement Required)

Total Postage & Fees

\$

Postmark  
Here

**Recipient's Name** (Please Print Clearly) (to be completed by mailer)

STEVE POWELL

Street, Apt. No.; or PO Box No.

PO BOX 253

City, State, ZIP+4

CASTLE DALE UT 84513

7099 3400 0016 8896 0358

## Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

### ***Important Reminders:***

- Certified Mail may **ONLY** be combined with First-Class Mail or Priority Mail.
- Certified Mail is *not* available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry.**





State of Utah

Department of  
Natural Resources

ROBERT L. MORGAN  
*Executive Director*

Division of  
Oil, Gas & Mining

LOWELL P. BRAXTON  
*Division Director*

OLENE S. WALKER  
*Governor*

GAYLE F. McKEACHNIE  
*Lieutenant Governor*

May 28, 2004

CERTIFIED RETURN RECEIPT & Regular Mail  
7099 3400 0016 8896 0341

Dan Powell  
Emery Industrial Resources, Inc.  
148 South 100 East  
Spanish Fork, Utah 84660

CERTIFIED RETURN RECEIPT & Regular Mail  
7099 3400 0016 8896 0358

Steven Powell  
Dba Powell Rock  
P. O. Box 253  
Castle Dale, Utah 84513

Re: Notice to Cease Mining Operations, Unauthorized Mining Activity,  
Cherry Hill Park Mine, M/049/021, Utah County, Utah

Dear Messer's Powell:

This Cessation Order formalizes in writing the Division's cease mining order issued verbally to Nelco Contractor's on May 25, 2004, by inspection staff at the Cherry Hill Park mine in Utah County. Division staff observed unauthorized mining activity being conducted at the site without an approved permit to do so. Screening equipment, loaders and haul trucks were being used to remove limestone materials from the site. The contractor was directed to immediately cease all further mining related activity until appropriate permits were in place.

A pending reclamation agreement and bond that would allow screening and removal of certain stockpiled materials from the site has not been concluded. It also has not been received and accepted by the Division. Finally, even under this agreement, no work is to proceed with out Division approval as to what material is to be removed. The Agreement if finalized is **not** a permit for mining except to remove the stockpiled material. Therefore, these mining activities have been conducted in direct violation of the Mined Land Reclamation

Dan & Steven Powell  
Page 2 of 2  
Cherry Hill Park – Cessation Order  
May 28, 2004

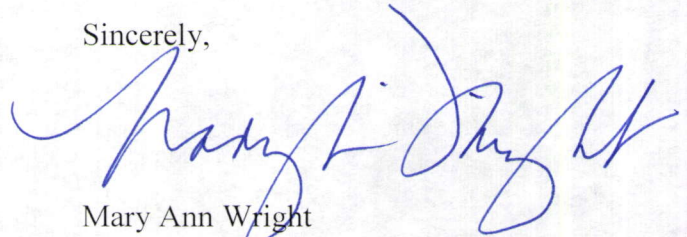
Act and a prior Board Order issued on May 28, 2003, that terminated your small mine permit, required you to cease all mining activities and to reclaim the site.

***You and/or your contractor are hereby directed to immediately cease all mining activity, including the removal of any stockpiled materials, until a permit or other appropriate authorization has been obtained from this office.***

Your refusal or failure to comply with these requirements will result in enforcement action, including but not limited to: immediate reclamation of all impacted areas, fines, civil penalties, and other provisions as authorized under state law. Under Section 40-8-9 and 40-8-9(1) Utah Code, any person who willfully and knowingly evades the Mining Act or an order is subject to civil and criminal penalties.

Please contact Steve Alder, Division counsel at (801) 538-5348 to make arrangements to resolve this matter at your earliest convenience. Thank you for your immediate attention to this matter.

Sincerely,



Mary Ann Wright  
Associate Director, Mining

MAW:WH:jb

cc: Sidney B. Unrau, Esq. - Attorney for Dan Powell (via fax)  
Larry Jensen - NELCO Contractors, Inc.  
Randy Scott - Sunnyside CoGeneration Assoc.  
James T. Jensen - Savage Services  
E. J. Stokes  
Steve Alder, AAG  
Alison Garner, AAG

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